

MINUTES OF THE MEETING OF THE BOARD OF MASSAGE THERAPY

April 6, 2018

These minutes were approved
by the Board on June 15,
2018

1. ROLL CALL

The meeting of the Board of Massage Therapy was called to order by Kim Adams Johnson, Chair, at 9:02 a.m. in Conference Room LU-1, Licensure Unit, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

The following members answered roll call:

Members Present:

Kim Adams Johnson	-	Chair
Brian Allison	-	Vice-Chair
Steven Carper	-	Secretary

Member Absent

Michelle Helaney	-	Member
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Others Present:

Ami Huff, Assistant Attorney General
Kris Chiles, Program Manager, Licensure Unit
Nancy Herdman, Health Licensing Coordinator, Licensure Unit
Larry Wiehn, Investigations
Anna Harrison, Compliance Monitor

2. ADOPTION OF AGENDA

MOTION: Carper moved, seconded by Allison, to adopt the agenda. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Carper (3). Voting nay: None (0). Absent: Helaney (1). Motion carried.

3. APPROVAL OF MINUTES (2-2-18, 3-13-18)

MOTION: Carper moved, seconded by Allison, to approve the minutes of 2-2-18. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Carper (3). Voting nay: None (0). Abstain: None (0). Absent: Helaney (1). Motion carried.

MOTION: Allison moved, seconded by Adams Johnson, to approve the minutes of 3-13-18. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Carper (3). Voting nay: None (0). Abstain: None (0). Absent: Helaney (1). Motion carried.

4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION CLOSED SESSION

MOTION: Carper moved, seconded by Adams Johnson, to enter into closed session at 9:05 a.m. to hear discussions of an investigational/confidential nature and for the prevention of needless injury to the reputation of the individuals. Adams Johnson repeated the motion purpose. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Carper (3). Voting nay: None (0). Abstain: None (0). Absent: Helaney (1). Motion carried.

9:19 a.m. - Wiehn departed meeting

MOTION: Carper moved, seconded by Allison, to enter into open session at 9:20 a.m. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Carper (3). Voting nay: None (0). Abstain: None (0). Absent: Helaney (1). Motion carried.

9:20 a.m. - Harrison departed meeting

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

Adams Johnson reported that an application for a new school had been received from the Nebraska Massage Therapy Institute in Kearney that she will be reviewing.

6. UPDATES AND REPORTS

a. Reflexology Credentialing Review

Adams Johnson reported that the Committee had unanimously voted “no” on approving the application. She stated one reason for the denial was there was not a large enough demand with only 15 individuals.

9:19 a.m. - Public person entered meeting

The public person commented that the numbers stated of those who were interested in having reflexology separate from massage therapy was not accurate and that was another reason for denial. Adams Johnson commented that it was said the Massage Therapy Board was after reflexologists. Adams Johnson stated she responded that the Board was complaint driven. Adams Johnson commented that you do not reward people practicing illegally.

b. 2018 Legislative Session

LB 958 was amended into LB 731 – Bill relates to mobile massage. The only change was the emergency clause was removed and if passed, would become effective 3 months after adjournment. The bill refers to a vehicle but provides no details. Adams Johnson commented that she was asked to meet with the legal aide for the Health and Human Services Committee to discuss details but a meeting never was scheduled. Chiles reported that if the bill passes as written, the Department would not be able to license mobile establishments until the regulations are revised, because the regulations set out requirements for specifically for a stationary establishment (a mobile establishment could not meet all of the current requirements). Other professions such as Cosmetology were also amended into LB 731. Chiles commented Cosmetology did provide detail regarding a mobile establishment in their section of the bill and if passed would be self-executing. Adams Johnson suggested the Cosmetology language could be reviewed when drafting mobile massage establishment regulations.

LB 299 – Bill proposes a commission to review all regulations and to allow a person to petition a board to look at their convictions prior to applying for a license. The bill is ready for final reading.

LB 596 – Bill proposes to exempt equine, cat, and dog massage therapy from credentialing and regulation under the Veterinary Medicine and Surgery Practice Act (animal therapists).

LB 834 – Bill proposes to waive licensing fees for certain categories. Bill has not moved.

LB 1084 – Bill proposes to tax personal services. The public person stated her organization is opposed because health care professionals are exempt and they consider massage therapy health care.

Chiles asked if the Board wanted to set up a work session to work on the draft regulations. The members agreed to do it the afternoon of the 6-15-18 meeting.

c. Nebraska Chapter of AMTA

The public person commented the convention was this weekend with a social on Saturday night and training and the meeting on Sunday. She stated the national convention was in August. She stated AMTA was trying to get members to contact their senators and that AMTA had updated their website.

d. Federation of State Massage Therapy Boards

Adams Johnson stated there was an Executive Director Summit next week in Kansas City. Chiles reported she had received information from the Federation regarding fraudulent transcripts but Nebraska had no applicants with the fraudulent transcripts.

e. Statistics: Examinations / Licensing / Administrative Penalties / Renewals / Disciplinary and On-Disciplinary Information / School Report

Chiles reported the following disciplinary actions:

- 1 Temporary Massage Therapist on probation from 3-21-18 to 9-21-18
- 1 Establishment on probation from 3-27-18 to 9-27-18
- 1 Massage Therapist suspended on 3-15-18

Chiles reported examination results since 1-1-18:

- MBLEx – 20 pass, 1 fail
- Jurisprudence (CEU) – 1 pass
- Jurisprudence (reciprocity) – 19 pass, 1 fail

Statistics reported:

- Massage Therapist – 1441
- Massage Therapy Establishment – 558
- Massage Therapy School – 8
- Temporary Massage Therapist - 8

f. Review, Discussion and Possible Change to the Board By-Laws

Chiles commented the By-Laws in Article 7 have a \$35 per diem rather than the \$50.

MOTION: Carper moved, seconded by Adams Johnson, that under Article 7 in the By-Laws that the per diem be increased to \$50. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Carper (3). Voting nay: None (0). Abstain: None (0). Absent: Helaney (1). Motion carried.

7. ADJOURNMENT

There being no further business, Adams Johnson declared the meeting of the Board of Massage Therapy adjourned at 10:05 a.m.

Respectfully Submitted,

Steven Carper, Secretary
Board of Massage Therapy

Minutes completed by Nancy Herdman, Health Licensing Coordinator